

PLANNING COMMISSION MINUTES OF JUNE 27, 2005

2005-0413 – San Mateo CPP Investors, LLC [Applicant]: Application for related proposals on a 100,150 square-foot site located **782- 820 East El Camino Real** (formerly Best Western site) (near Maria Ln.) in a C-2 (Highway Business) Zoning District. (Negative Declaration) (APN: 211-25-001, 002, 003) RK

- Rezone from C-2 (Highway Business) Zoning District to C-2/ECR (Highway Business/El Camino Real Precise Plan) Zoning District;
- Special Development Permit to allow for the construction of 19,200 sq. ft. of retail.

Ryan Kuchenig, Assistant Planner, presented the staff report. The proposed project is for the construction of a 19,200 sq. ft. building for retail use located at 782 and 820 East El Camino Real on approximately 2.3 acres. The new building would include one major tenant comprised of 15,000 sq. ft. with the additional retail/restaurant uses comprising the remaining 4,200 sq. ft. The probable major tenant (Walgreen) proposes a 24-hour operation and a drive-thru pharmacy window. Staff is recommending elimination of the drive-thru use due to incompatibility with the neighboring residential area. If the drive-thru is approved staff recommends several options to improve the drive-thru area. Staff feels the architecture lacks sufficient detail to meet City-wide design guidelines and recommends several enhancements. The landscaping plan meets the City landscaping standards. Staff believes an additional buffer area between the building and the residential area should be considered. As proposed, the site meets the parking requirements. The project meets all standard development requirements for the C-2 Zoning district except that there are two one-story homes on Chopin Drive located within 75 feet of the proposed buildings. Staff recommends approval of the project subject to the Conditions of Approval (COA) and the project is scheduled for review by City Council on July 12, 2005.

Comm. Sulser brought up the issue about the possibility of people abusing or improperly using the drive-thru service and asked what other cities have experienced. Staff consulted with Public Safety regarding issues that other cities may have experienced, but there wasn't anything specifically related to the drive-thru use. There were some general security recommendations, but no concrete data from the research.

Chair Moylan opened the public hearing.

John Tze, applicant, thanked the Commission for hearing the project. He said that this is the second and final phase of this retail development. This 19,200 sq. ft. area is actually the smallest of three buildings. If not for the drive-thru issue this would be a pretty straight-forward project. The one issue does seem to

be the drive-thru. Mr. Tze said the staff's presentation was good and he would like to hear the concerns of the neighbors and would respond to those after the public has spoken.

Barry Warmkessel, neighbor behind the proposed development, said his concerns are exposure to pollutants, specifically, air, light and noise pollution. The first two pollutants seem to be addressed by vegetation. The noise pollution is the biggest concern. He applauds the inclusion of the 12 ft. by 58 ft. wall by the drive-thru, though he is not in favor of the drive-thru for various reasons. He expressed that the real problem is the noise impact on the residential area coming from the developments including the noise from the neighboring Petsmart and Best Buy buildings.

Raymond Strong, neighbor behind the proposed development, does not oppose the Walgreens, but does oppose the drive-up window. He was glad to hear that that staff recommends removal of the drive-thru. Security is an issue and there does not seem to be too many trees between his house and the drive-thru window. He commented that there are 10 Walgreens within 5 miles of where he lives and one of those is a drive-thru only open to 10 p.m. The proposed drive-thru is isolated. Mr. Strong suggested that if Walgreens wants to put in a drive-thru that the Walgreens on Fremont and Mary Avenues is a better location with no impact to homes.

Vinod Prasad, neighbor behind the proposed development, echoed some of the same sentiments of his neighbors. He agrees that noise and security will be an issue with the drive-thru. He also commented that he does not like the minimum back landscape barrier of only 10 ft. when he thinks it should be 20 ft. He would like to ask the Commission to remove the drive-thru from the plans and would like to request that the hours of operation end by 10 p.m.

Comm. Simons asked Mr. Prasad what would be the appropriate opening time. Mr. Prasad said he would request something consistent with other Walgreens that are not open 24 hours.

Mr. Tze said two weeks ago after the Commission's concerns were heard at the Study Session, he went back to Walgreens to see what flexibility they would have in the store plans since they follow a store prototype. After hearing the concerns of the Commission, staff and neighbors, Walgreens has agreed to look at a relocation of the drive-thru. Mr. Tze requested that the Commission continue this item to a future Planning Commission meeting.

Chair Moylan asked staff when this item could be placed on an upcoming agenda if the Commission chooses to continue it. Ms. Ryan said it could be continued to July 11, 2005 and Mr. Tze said he could have the revised plans ready by then.

Comm. Fussell asked Mr. Tze if the plans to move the drive-thru were already in process or would the process begin following this meeting. Mr. Tze said that following the Study Session of June 13, 2005 plans were started to revise the location of the drive-thru.

Comm. Simons asked Mr. Tze in his discussions with Walgreens if there were any other issues other than the drive-thru relocation that are being discussed. Mr. Tze said only the relocation of the drive-thru is being discussed.

Chair Moylan what is the reason for a drive-thru at a pharmacy. Mr. Tze said some users are mothers with children who do not want to get out of the car, people who are ill. Mr. Tze said, if the item is continued, that at the next meeting he would like to have a representative from Walgreens to help answer some of these questions.

Chair Moylan closed the public hearing.

Comm. Sulser moved to continue to this item to July 11, 2005. Comm. Klein seconded.

Comm. Sulser said he would like to see the revised plans before he decides.

Comm. Simons said since the only discussion would be about the drive-thru he will not be supporting the motion.

Comm. Klein will be supporting this motion as he looks forward to having a Walgreens representative here to answer questions. He recognizes that the neighbors will need to return again and he has reservations regarding the drive-thru.

Comm. Babcock will not be supporting the motion as the issue of the drive-thru will still exist and still impact the neighbors even if it is moved to the side of the building. Therefore she feels it is more fair to all to give a final answer tonight instead of waiting another two weeks.

Comm. Hungerford has two other issues with the project, one was about the aesthetics of the building and the other regarding pedestrian access. The staff made good suggestions in the COAs to improve the aesthetics and the pedestrian access but we do not know if Walgreens will accept these. The sticking points are these two issues and the drive-thru. Comm. Hungerford will not support the motion for a continuance.

Comm. Sulser said that he is not arguing for a drive-thru, he would just like to see the revised project in order to make a good decision.

Motion failed 3-4, Comm. Fussell, Comm. Simons, Comm. Hungerford and Comm. Babcock dissenting.

Comm. Simons made a motion for Alternative 2., to adopt the Mitigated Negative Declaration and introduce an Ordinance to Rezone 782 and 820 East El Camino Real from C-2 to C-2/ECR and approve the Special Development Permit with modified conditions including removal of the drive-thru and recommending a closing time of 10 p.m. Comm. Simons asked staff what "normal operating hours" are for stores like this. Trudi Ryan answered that many similar stores open as early as 7 a.m. **Comm. Simons recommend addition of the operating hours to be 7 a.m. to 10 p.m. Comm. Babcock seconded with clarification to strike the last two lines of Alternative 2. in the report that read "including allowing the drive-thru with conditions requiring improved security measures including improved lighting and camera surveillance". Comm. Simons said yes, that these two lines should be struck. Comm. Babcock said her second holds.**

Comm. Simons commented that he and other Commissioners over the years have been very vocal about drive-thrus in Sunnyvale. This particular drive-thru backs up to a residential area which only strengthens the concerns. He also commented that in the past at another site, Mary and Fremont Avenues, the public spoke out about the generic architecture and it was improved on. None of the public has mentioned much about the generic architecture at this site so it will go forward with the generic style.

Comm. Babcock agrees with Comm. Simons and that this is the most inappropriate Walgreens site for a drive-thru as it backs up to residential. Also, she clarified with staff that we have all of the other COAs in this so the modified plans stand as she also feels that the architecture needs a little more pizzazz.

Comm. Hungerford clarified with Comm. Simons that the motion does not include the drive-thru. Comm. Simons said it does not include the drive-thru. Comm. Hungerford will be supporting the motion.

Comm. Sulser will not be supporting the motion, even though he feels it is a good motion. He would like to see the revised plans from the applicant before making a motion.

Comm. Klein said he will be supporting the motion, though he would like to hear from the Walgreen's representative. He has had issues related to the drive-thru from the beginning and the elimination of the drive-thru will help out the public.

Comm. Fussell will be supporting the motion even though he likes the idea of the drive-thru pharmacy. He just feels this particular drive-thru is not in the right place.

Comm. Simons made a motion on Item 2005-0413 for Alternative 2., to adopt the Mitigated Negative Declaration and introduce an Ordinance to Rezone 782 and 820 East El Camino Real from C-2 to C-2/ECR and approve the Special Development Permit with modified conditions: striking the last two lines of Alternative 2 that read “including allowing the drive-thru with conditions requiring improved security measures including improved lighting and camera surveillance”; and addition of the hours of operation to be 7 a.m. to 10 p.m. Comm. Babcock seconded.

Motion carried 6-1, Comm. Sulser dissenting.

This action of the Planning Commission will be forwarded on to the City Council as a recommendation to be heard on July 12, 2005.